

REMARKS

Claims 1-30 were originally filed in the present application.

Claims 1-30 are pending in the present application.

Claims 1-30 were rejected in the August 11, 2006 Office Action.

No claims have been allowed.

Claims 1, 7, 13, 19 and 25 are amended herein, as shown above.

Claims 1-30 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 2 and 3 of the August 11, 2006, Office Action, the Examiner rejected Claims 1-3, 7-9 and 13-15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,418,322 to *Kim, et al.* (hereafter, "Kim"). In Sections 4 and 5 of the Office Action, the Examiner rejected Claims 4, 5, 10, 11, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent Application Publication No. 2002/0090947 to *Brooks, et al.* (hereafter, "Brooks"). In Section 6 of the Office Action, the Examiner rejected Claims 6, 12 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Brooks and further in view of U.S. Patent Application Publication No. 2002/0068586 to *Chun, et al.* (hereafter, "Chun"). The Applicant respectfully traverses the rejections.

In Section 7 of the Office Action, the Examiner rejected Claims 19-21 and 25-27 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent Application Publication No. 2002/0041584 to *Sashihara* (hereafter, "Sashihara"). In Section 8 of the Office Action, the Examiner

Examiner rejected Claims 22, 23, 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sashihara and further in view of Brooks. In Section 9 of the Office Action, the Examiner rejected Claims 24 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Sashihara and further in view of Brooks and Chun. The Applicant respectfully traverses the rejections.

Initially, the Applicant notes that Chun is disqualified as prior art under 35 U.S.C. § 103(c) as the subject matter of Chun and the invention claimed in the present application were, at the time the claimed invention was made, owned by the same person. Chun qualifies as prior art to the present application only under 35 U.S.C. § 102(e), as Chun was published on June 6, 2002, and issued as U.S. Patent No. 6,745,031 on June 1, 2004, while the present application was filed on January 23, 2004. The present application is assigned to Samsung Electronics Co., Ltd., as shown by an assignment recorded with the U.S. Patent and Trademark Office on January 23, 2004, at Reel 014929, Frame 0119. Chun is a division of U.S. Patent Application Serial No. 09/294,046, also assigned to Samsung Electronics Co., Ltd., as shown by an assignment recorded with the U.S. Patent and Trademark Office on April 19, 1999, at Reel 009904, Frame 0090. For these reasons, Chun is disqualified as prior art against this application.

The Applicant directs the Examiner's attention to amended independent Claim 1, which recites the novel and non-obvious limitations emphasized below:

1. For use in a wireless network, a base station capable of releasing a call between said base station and a mobile station during a call set-up procedure, said base station comprising:
 - a preamble frame detector capable of detecting preamble frames transmitted to said base station by said mobile station during said call set-up procedure; and
 - a transmit power controller capable of adjusting a power level of null frames transmitted by said base station during said call set-up procedure. (*Emphasis added*).

The Applicant respectfully submits that the above emphasized limitations are not disclosed, suggested or even hinted at in the Kim reference, the Brooks reference, or the Sashihara reference, or in any combination of the Kim, Brooks and Sashihara references.

In rejecting Claim 1, the Examiner noted that the limitations described as "capable of" do not require steps to be taken nor limit the claims to a particular structure. The Applicant respectfully submits that the preamble frame detector's detection of preamble frames and the transmit power controller's adjustment of a power level must occur during a call set-up procedure, which does require the steps to be taken during a particular phase of an interaction between the base station and the mobile station and therefore do not merely suggest or make optional the recited limitations.

The Examiner asserted that Kim's teaching of a base station receiving a power measurement report message from a mobile station describes the recited limitation of detecting preamble frames transmitted to the base station by the mobile station. The Applicant submits that power measurement report messages transmitted periodically by a mobile station during a call are not preamble frames, nor are they transmitted to a base station by a mobile station during a call set-up procedure, as recited

in amended Claims 1. Furthermore, the Examiner also asserted that Kim's teaching of a base station that is able to change power control parameters to increase the digital gain of the forward link describes the recited limitation of adjusting a power level of null frames transmitted by a base station. The Applicant respectfully submits that Kim does not teach that the forward frames transmitted by the base station are null frames, nor does it teach that the forward frames transmitted by the base station are transmitted by the base station during a call set-up procedure, as recited in amended Claim 1.

As such, Kim does not teach every element of the invention as recited in amended independent Claim 1. Furthermore, the Applicant submits that Brooks and Sashihara do nothing to overcome the shortcomings of Kim. For these reasons, Claim 1 is patentable over the cited prior art. Claims 2-6 depend from Claim 1 and contain all the limitations of the base claim and are, therefore, also patentable over the cited prior art.

Amended independent Claims 7, 13, 19 and 25 recite novel and non-obvious limitations analogous to those of Claim 1 and, therefore are also patentable over the cited prior art. Claims 8-12, 14-18, 20-24 and 26-30 depend from Claims 7, 13, 19 and 25, respectively, and contain all the limitations of their respective base claim. Claims 8-12, 14-18, 20-24 and 26-30 are, therefore, also patentable over the cited prior art.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

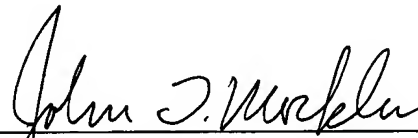
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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